MICHAEL J. GARCIA
United States Attorney for the
Southern District of New York
By: SHARON E. FRASE (SF-4906)
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One St. Andrew's Plaza
New York, New York 10007
Tel. (212) 637-2329

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA, :

Plaintiff,

- v. - : <u>DEFAULT JUDGMENT</u> 08 Civ. 1341 (SAS)

NOTICE OF MOTION FOR

\$110,746.00 IN UNITED STATES CURRENCY, MORE OR LESS, AND ALL PROCEEDS TRACEABLE THERETO,

Defendant-in-rem. :

PLEASE TAKE NOTICE that upon the accompanying Declaration of Sharon Frase, Assistant United States Attorney, dated May 20, 2008, and the accompanying Clerk's Certification, plaintiff United States of America by and through its attorney, Michael J. Garcia, United States Attorney for the Southern District of New York, hereby moves before the Honorable Shira A. Scheindlin, United States District Judge, for an Order of Default Judgment, pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure.

Dated:

New York, New York May 20, 2008

Respectfully submitted,

MICHAEL J. GARCIA
United States Attorney for the
Southern District of New York
United States of America

Ву:

SHARON E. FRASE
Assistant United States Attorney
One St. Andrews Plaza

One St. Andrews Plaza
New York, New York 10007
(212) 637-2329

UNITED STATES OF AMERICA,

Plaintiff,

- v.-

\$110,746 IN UNITED STATES CURRENCY,

Defendant-in-rem.

NOTICE OF MOTION FOR DEFAULT JUDGMENT 08 Civ. 1341 (SAS)

MICHAEL J. GARCIA United States Attorney for the Southern District of New York Attorney for the United States of America One St. Andrew's Plaza New York, New York 10007

MICHAEL J. GARCIA United States Attorney for the Southern District of New York By: SHARON E. FRASE (SF-4906) Assistant United States Attorney One St. Andrew's Plaza New York, New York 10007 Tel. (212) 637-2329

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA, :

Plaintiff,

- v. - : <u>CLERK'S CERTIFICATION</u> 08 Civ. 1341 (SAS)

\$110,746.00 IN UNITED STATES CURRENCY, MORE OR LESS, AND ALL PROCEEDS TRACEABLE THERETO,

Defendant-in-rem. :

I, Michael McMahon, Clerk of the United States District Court for the Southern District of New York, hereby certify that the docket entries in the above-captioned case indicate that the Verified Complaint herein was filed on February 11, 2008; that proof of internet publication was filed in the Clerk's office on March 27, 2008; and that proof of newspaper publication was filed on May 9, 2008. I further certify that the docket entries indicate that no party has filed a claim or answer to the Verified Complaint, and that the time to file a claim with respect to said Complaint has expired. The default of all persons is hereby noted.

Dated: New York, New York May 20, 2008

J, Michael McMahon CLERK OF THE COURT

UNITED STATES OF AMERICA,

Plaintiff,

- v.-

\$110,746 IN UNITED STATES CURRENCY,

Defendant-in-rem.

CLERK'S CERTIFICATION 08 Civ. 1341 (SAS)

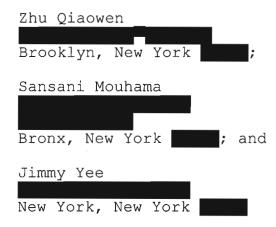
MICHAEL J. GARCIA United States Attorney for the Southern District of New York Attorney for the United States of America One St. Andrew's Plaza New York, New York 10007

AFFIDAVIT OF SERVICE

I, Tony Dulgerian, affirm under penalty of perjury pursuant to 28 U.S.C. § 1746, the following:

I am employed with FSA in the Office of Michael J. Garcia,
United States Attorney for the Southern District of New York.

On May 21, 2008, a copy of the Notice of Motion for Default Judgment, the Clerk's Certification, the Government's proposed Default Judgment and the Government's Declaration in Support of Default Judgment were sent, by certified mail, return receipt requested to:



Executed on: May 21, 2008

New York, New York

TONY DULGERIAN

UNITED STATES OF AMERICA,

Plaintiff,

- v.-

\$110,746 IN UNITED STATES CURRENCY,

Defendant-in-rem.

AFFIDAVIT OF SERVICE 08 Civ. 1341 (SAS)

MICHAEL J. GARCIA United States Attorney for the Southern District of New York Attorney for the United States of America One St. Andrew's Plaza New York, New York 10007

MICHAEL J. GARCIA
United States Attorney for the
Southern District of New York
By: SHARON E. FRASE (SF-4906)
Assistant United States Attorney
One St. Andrew's Plaza
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Tel. (212) 637-2329

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA, :

Plaintiff,

- v. - : <u>DEFAULT JUDGMENT</u> 08 Civ. 1341 (SAS)

\$110,746.00 IN UNITED STATES CURRENCY, MORE OR LESS, AND ALL PROCEEDS TRACEABLE THERETO,

Defendant-in-rem. :

WHEREAS, on February 11, 2008, the United States commenced a civil action for the forfeiture of the above-referenced defendant-in-rem by filing a Verified Complaint;

WHEREAS, the foregoing are the only individuals known by the Government to have a potential interest in the defendant-in-rem;

WHEREAS, notice of the Verified Complaint and <u>in rem</u> warrant against the defendant-in-rem was published on the official government internet site (www.forfeiture.gov) for 30 consecutive days beginning on February 20, 2008, and proof of such publication was filed with the Clerk of this Court on March 27, 2008;

WHEREAS, notice of the Verified Complaint and <u>in rem</u> warrant against the defendant-in-rem was published in the <u>New York</u>

<u>Post</u> once in each of the three successive weeks beginning on March 28, 2008, and proof of such publication was filed with the Clerk of this Court on May 9, 2008;

WHEREAS, no claims or answers were filed or made in this action, and no parties have appeared to contest the action to date, and the requisite time periods have expired;

NOW THEREFORE, on the motion of Michael J. Garcia, United States Attorney for the Southern District of New York, attorneys for the plaintiff United States of America, Sharon Frase of counsel;

IT IS HEREBY ORDERED that:

1. Plaintiff United States of America shall have judgment by default against the defendant-in-rem.

- 2. The defendant-in-rem be, and the same hereby is, forfeited to the plaintiff United States of America.
- 3. The Department of Treasury shall dispose of the defendant-in-rem, according to law.

Dated: New York, New York
May , 2008

SO ORDERED:

HONORABLE SHIRA A. SCHEINDLIN UNITED STATES DISTRICT JUDGE

UNITED STATES OF AMERICA,

Plaintiff,

- v.-

\$110,746 IN UNITED STATES CURRENCY,

Defendant-in-rem.

DEFAULT JUDGMENT 08 Civ. 1341 (SAS)

MICHAEL J. GARCIA United States Attorney for the Southern District of New York Attorney for the United States of America One St. Andrew's Plaza New York, New York 10007